

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 626 - SB 590

March 19, 2019

SUMMARY OF BILL: Authorizes a records custodian to seek an injunction against and be awarded damages by requestors of public records in certain circumstances. Establishes a process by which such requestor may continue to request public records.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The proposed legislation would:
 - Authorize a records custodian to seek an injunction against a person who makes three or more public records requests within one year that are made in a harassing manner.
 - Establish that any injunction issued would enjoin the person from making public records requests for one year.
 - Authorize enjoined persons to petition the court for public records.
 - Authorize the release of the public records if the person proves that the request does not constitute harassment.
 - Require the court to award the records custodian reasonable court costs, attorney's fees, and the custodian's reasonable costs associated with producing the requested material.
- Based on responses to the 2017 Local Government Survey conducted by the Fiscal Review Committee staff, of the 26 percent of county and municipal government officials reporting, there were approximately 31,742 open records requests made locally in 2017. It is unknown how many public records requests are made at the state level.
- It is unknown how many public records requests will be considered harassing in nature and subsequently result in an injunction issued against the requestor. The extent and frequency of any damages awarded is unknown.
- Any damages awarded to state or local government records custodian will be utilized to pay costs directly associated with state and local government expenditures incurred in petitioning for an injunction. The net impact of which is estimated to be not significant.
- The proposed language is not estimated to result in a significant increase in the total case load of the court system.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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